

August 1, 1955

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CONCORD, N.H.

Mr. Albert Hamel, Chairman
State Racing Commission
State House Annex
Concord, New Hampshire

Dear Mr. Hamel:

You have requested our advice as to whether a lessee of the Rochester Agricultural and Mechanical Association, assuming it fulfills all requirements of the laws, is entitled to receive a license to hold race meets in Rochester, New Hampshire, under the provisions of section 11-a, Revised Laws, chapter 171. Our answer to this question is in the affirmative.

Section 11-a provides that after June 1, 1947, no license shall be issued by the Commission for holding a race meet, unless and until the town where the meet is to be held has voted approval of the issuance of said license. This section is modified by the further statement that it shall not apply to any town where licensed race meets have previously been held under the provisions of the chapter.

Inasmuch as you have indicated that pari-mutuel racing has been conducted in Rochester since 1935, it is our opinion that there is no requirement that the city consider the advisability of the issuance of a license, for the conduct of other race meets.

C O P Y

Mr. Albert Hamel -- 2.

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The legislative intent appearing from section 11-a was to provide that in towns where racing had not been previously conducted, the town itself would have to approve the issuance of licenses, but in towns where racing had been conducted prior to the passage of this section, approval by the town was not necessary.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/L